

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LYLE J DORN, JR,

Plaintiff,

v.

Case No. 19-C-283

CARLY SCHMIDT, et al.,

Defendants.

ORDER OF DISMISSAL

Lyle J. Dorn, Jr., who is currently an inmate in the Waushara County Jail, filed this action claiming that his constitutional rights were violated by Carly Schmidt, Josh Schmidt, Lyle J. Dorn, Sr., and L&L Repair & Sales. He seeks to proceed without prepayment of the fee, noting that his account is “currently \$1.20 below zero”. Under the circumstances, the initial partial filing fee is waived. At the same time, the case is dismissed for failure to state a claim. None of the defendants are state actors, and accordingly none of them are in a position to violate Dorn’s constitutional rights. His argument seems to be over a property dispute that arises out of his eviction. He claims that the defendants, all operators of L&L Repair, violated his constitutional rights when they banned him from being able to pick up his belongings from an address in Wild Rose where he had lived since 1967. Apparently there was a house fire there in December of 2018 which may have necessitated the removal. In any event, the plaintiff also alleges that the defendants feigned his character by making false and unsubstantiated claims to authorities and publicly to neighbors following the fire.

The Complaint goes on, but the allegations are similar. Dorn is accusing non-public employees of engaging in conduct that he claims constitutes a violation of his rights. Since the constitution limits the power of the state and those acting on behalf of the state, his allegations against these defendants fail to state any claim that is cognizable in federal court. Accordingly, the Complaint and the action is dismissed, since there is no set of facts that would appear to exist that could state a claim. Given the prompt dismissal of the action, no strike will be assigned to Dorn under 28 U.S.C. § 1915(g).

Dated this 22nd day of February, 2019.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court